

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

PABLO PENA,

Defendant.

USDC SDNY
DOCUMENT
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: INFORMATION

: 07 Cr.

**07 CRIM. 519**

X

COUNT ONE

The United States Attorney charges:

1. From in or about 2006 until at least in or about February 2007, in the Southern District of New York and elsewhere, PABLO PENA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that PABLO PENA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. From in or about 1997 until at least in or about 2005, in the Southern District of New York and elsewhere, PABLO PENA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that PABLO PENA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

5. In or about the fall of 2006, in the Southern District of New York and elsewhere, PABLO PENA, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, approximately 23 kilograms of mixtures and substances containing

a detectable amount of cocaine.

(Title 21, United States Code, Sections 812,  
841(a)(1) and 841(b)(1)(A); and  
Title 18, United States Code, Section 2.)

**FORFEITURE ALLEGATION**

6. As a result of committing one or more of the controlled substance offenses alleged in Counts One through Three of this Information, PABLO PENA, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any and all property constituting and derived from any proceeds that PABLO PENA obtained directly and indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Indictment, including, but not limited to, approximately \$100,000 in United States currency, in that such sum in aggregate was received in exchange for and represents the amount of proceeds obtained as a result of the offenses, the distribution of controlled substances, or is traceable thereto.

**Substitute Assets Provision**

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited

with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty; it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1),  
846 and 853.)

*Michael J. Garcia*

MICHAEL J. GARCIA  
United States Attorney

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(Title 21, United States Code,  
Sections 812, 841(a)(1) and (b)(1)(A),  
and 846.)

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MICHAEL J. GARCIA  
United States Attorney.

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